Supreme Court, U.S.
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No. 92-788 (2)

In The

Supreme Court of the United States

October Term, 1992

THE COUNTY OF COOK, THE CIVIL SERVICE COMMISSION OF COOK COUNTY, THE COOK COUNTY BOARD AND ITS COMMISSIONERS and OAK FOREST HOSPITAL,

Petitioners,

vs.

HAROLD J. CARSTON, MICHAEL DEWINTER, LAWRENCE J. DEWINTER, DEAN ECKBERG, DANIEL J. KOKASKA, DONALD MAREVKA, DENNIS MEZERA, JAMES S. OWCZARSKI, WILLIAM PROPER and WALTER S. SCAHILL,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Seventh Circuit

BRIEF FOR RESPONDENTS IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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SUMMARY OF ARGUMENT

Respondents respectfully submit that the Court need read no further than the Table of Authorities submitted by Petitioners to determine that this case does not raise *any* question of federal law. Petitioners do not cite one pertinent federal decision or statute. Rather, the case turns entirely upon the interpretation of an obscure state statute with limited application.[1] No question of federal law is presented. There is no reason for this Court to review the decisions by the District Court and the Court of Appeals for the Seventh Circuit (which, Respondents submit, are clearly correct) of state law.

REASONS FOR DENYING THE WRIT

The County's presentation of the case makes a very simple case unduly complicated. Respondents have been employed as security guards at Oak Forest Hospital for many years. Prior to 1979, the Oak Forest Hospital was operated by a unit of local government created by Illinois statute known as the Health and Hospitals Governing Commission ("HHGC"). There is no question that prior to 1979 each of the Respondents had a protected property

[1] In fact, the local nature of this case is admitted by Petitioners: for example, in their Questions Presented (p. i), Petitioners refer only to an erroneous construction of state law; their second argument (p. 8) contends that the Seventh Circuit Court of Appeals "misinterpreted *state* law * * * " (emphasis added); in their conclusion (p. 18), Petitioners repeat their contention that "the Seventh Circuit Court of Appeals misconstrued state law * * * ."

right in continued employment which was protected by the due process clause. *Carston v. County of Cook*, 962 F.2d 749 (7th Cir. 1992); App. 6

In 1979, the Illinois Legislature abolished HHGC and transferred responsibility for Oak Forest Hospital to Cook County. As part of the group of statutes enacted to effect this transfer, the Illinois Legislature enacted Illinois Revised Statutes, Chapter 34, Paragraph 5020, which provided, in pertinent part:

> All rights, duties and obligations of [HHGC] shall become the rights, duties and obligations of the Board of Commissioners [of Cook County].

The sole issue in this case (and the issue that the Respondents request the Court to review) is whether this language transferred the property rights which Respondents admittedly had in their continued employment prior to 1979 to Cook County.

Both the District Court and the United States Court of Appeals for the Seventh Circuit held, based on their interpretation of the statute and the binding interpretations of the Illinois Supreme Court, that the Illinois Legislature meant exactly what it said: *all* obligations of HHGC became the obligations of the County of Cook, including HHGC's obligations to security guards who are Respondents herein.

Petitioners' tortured reading of Paragraph 5020 was rejected by both the District Court and the United States Court of Appeals for the Seventh Circuit. There is no reason for the Court to revisit this issue.

CONCLUSION

The instant petition presents no issue of federal law. The District Court and the Seventh Circuit Court of Appeals properly construed state law. The petition should be denied.

Respectfully submitted,

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